



02-09-06

15W 1655

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BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Keith Wood et al.

Appln. No.: 10/053,482

Filed: November 2, 2001

For: Compositions, Methods and Kits Pertaining
To Luminescent Compounds

Attorney Docket No: 10743/3

Examiner: Ralph J. Gitomer

Art Unit: 1655

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Second Supplemental Information Disclosure Statement and PTO 1449 with cited references.
☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

2/8/05

Respectfully submitted,

Lisa Seaney (Reg. No. 56,246)



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Keith Wood ET AL.

Appln. No.: 10/053,482

Filed: November 2, 2001

For: COMPOSITIONS AND
METHODS TO CO-LOCALIZE
LUMINOPHORES WITH
LUMINESCENT PROTEINS

Examiner: Ralph Gitomer

Art Unit: 1655

Attorney Docket No: 10743/3

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicants hereby cite the following reference(s):

NON PATENT LITERATURE DOCUMENTS

Mitani, M. et al Analytical Sciences (1995) 11(6), 1013-1015.
Mitani, M. et al Analytical Sciences (1994) 10(5), 813-814.
Sakaki, H. et al Chem. Abstract No. 1997:48722
Mitani, M. et al Chem. Abstract No. 1996:335963
Inoue, S. Chemistry Letters (1987) (2) 417-418.
Inoue, S. Tetrahedron Letters (1977) (31), 2685-8.
Hawkins, E. Bioluminescence & Chemiluminescence: Progress & Current Applications, "Proceeding of the Symposium on Bioluminescence and Chemiluminescence," 12th, Cambridge, United Kingdom, Apr. 5-9, 2002, 149-152. Editor(s) Stanley, Philip, E.; Kricka, Larry, J., 2002, XP008056546
Supplementary partial European Search Report (January 16, 2006)

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary,

37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants note that the Supplementary partial European Search Report (January 16, 2006) of a foreign counterpart application cites Sakaki, H. et al Chem. Abstract No. 1997:48722 and Mitani, M. et al Chem. Abstract No. 1996:335963. These references were publicly available from the "Examiner's search strategy and results" posted under this application on PAIR, but neither reference was previously cited in this application. Out of an abundance of caution, Applicants are hereby citing these references and providing a copy the abstracts herewith.

For purposes of 37 C.F.R. §1.704(d), Applicants certify that each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this Statement (a copy of any foreign communication first citing a listed reference is attached for the Examiner's reference).

Applicants certify pursuant to 37 C.F.R. §1.97(e)(1) that no item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application more than three months days prior to the filing of this Statement (a copy of any foreign communication first citing a listed reference is attached for the Examiner's reference). Accordingly, Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is

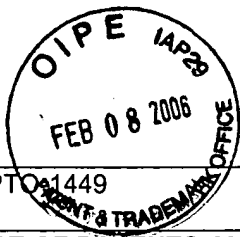
authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

2/8/06
Date



Lisa M. Seaney (Reg. No. 56,246)



FORM PTO 1449	SERIAL NO. 10/053,482	CASE NO. 10743/3
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE November 1, 2001	GROUP ART UNIT 1655
(use several sheets if necessary)		APPLICANT(S): Wood et al.

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	A1	Mitani, M. et al Analytical Sciences (1995) 11(6), 1013-1015.
	A2	Mitani, M. et al Analytical Sciences (1994) 10(5), 813-814.
	A3	Sakaki, H. et al Chem. Abstract No. 1997:48722
	A4	Mitani, M. et al Chem. Abstract No. 1996:335963
	A5	Inoue, S. Chemistry Letters (1987) (2) 417-418.
	A6	Inoue, S. Tetrahedron Letters (1977) (31), 2685-8.
	A7	Hawkins, E. Bioluminescence & Chemiluminescence: Progress & Current Applications, "Proceeding of the Symposium on Bioluminescence and Chemiluminescence," 12th, Cambridge, United Kingdom, Apr. 5-9, 2002, 149-152. Editor(s) Stanley, Philip, E.; Kricka, Larry, J., 2002, XP008056546
	A8	Supplementary partial European Search Report (January 16, 2006)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.